



4.3.09

Attorney Docket No.: 773-008

DDC ✓
#14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X
In re application of
Urano et al.

Examiner: Nguyen

Serial No: 09/602,409

Art Unit Unit: 2171

Filed: JUNE 23, 2000

For: INTEGRATED DATABASE SYSTEM AND METHOD FOR
ACCESSING A PLURALITY OF DATABASES
-----X

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 CFR 1.137(b)

REQUEST FOR RECONSIDERATION



Mail Stop Petitions

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Repln. Ref: 04/06/2009 EFLORES 0000401000
DAH:192825 Name/Number:09602409
FC: 9204 \$20.00 CR

SIR:

In connection with the above identified application, a Petition to Withdraw Holding of Abandonment was filed on August 14, 2003. In October of 2006, a review of this file uncovered that the status of this application and the Petition appeared unresolved.

A call in early 2007 to the U.S. Patent Office revealed that the Petition received on August 21, 2003 was entered but apparently overlooked. Assurances were given that the Petition would be reviewed.

Thereafter, several calls over the next months were placed to receive status updates to no avail. Finally, in May of 2007 a formal Request for Official Search was filed to find the file, apparently lost at some point.

Upon review of the file, we noted no further communications from the Patent Office. Upon contacting the Patent Office, it appears that on June 26, 2007, a Decision on Petition dismissed the original 2003 Petition, a copy of which is enclosed. *According to our records we have no record of receiving this Decision on Petition.*

04/06/2009 SSITHIB2 00000005 09602409

01 FC:1501
02 FC:1504

1510.00 OP
300.00 OP

We note that one of the issues regarding the original Petition is that there was an issue with the mailing addresses. Although the copy we just received of the Decision on Petition has the correct address on the top of the Decision, it does not appear to have reached us.

In order to avoid any further delays, and as suggested in the Decision on Petition, Applicants hereby submit this Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b). Our client at all times has intended to continue prosecution of this application, but for the communication errors with the U.S. Patent Office.

Pursuant to 37 CFR 1.137(b)(1) the entire required reply is submitted herewith. To this end, please find enclosed a check in the amount of \$1810.00 to cover the large entity issue fee and publication fee.

As a separate issue, according to the notes in the file and the Decision on Petition that we have now reviewed, *we still have not received a copy of the Notice of Allowance or the Issue Fee transmittal.* As such, please send a courtesy copy of both. *Also, the cover of the issued patent should display to the Assignee name of "Hitachi, Ltd., Tokyo Japan" as noted on reel/frame 011422/0546.*

Secondly, an information disclosure statement is enclosed. Applicants desire the IDS to be submitted prior to the acceptance of the issue fee payment submitted above. Applicants acknowledge that a fee is due for this information disclosure statement. The references were from a foreign corresponding Office Action that is now more than three months from issue. However, because this file was abandoned at the time due to the Patent Office's non-evaluation of Applicants earlier Petition, then the IDS should be entered without the need for an RCE prior to the entrance of the issue fee payments. *If there are any issues with this information disclosure statement, Applicants request that the Petitions Office contact the Applicants by telephone or facsimile, to ensure that all steps are used to enter and account for the references.*

Pursuant to 37 CFR 1.137(b)(2), a check in the amount of \$1,640 under 37 CFR 1.17(m) is enclosed to cover the cost of the Petition. Any additional fees may be charged to deposit account # 19-2825, order number 773-008. Please provide the undersigned with a courtesy call if the use of the deposit account is need.

Pursuant to 37 CFR 1.137(b)(3), Applicants hereby assert that the entire delay in filing this Petition, up to the filing of this grantable petition was unintentional. At all times, the Applicants wished to continue prosecution on this application. The relevant reasons for any delay are set forth above.

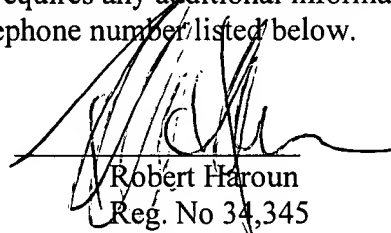
Due to the extended delay in this application, Applicants respectfully request that the Decision on this Petition be expedited as to avoid any additional undue delay.

In view of the foregoing, Applicants submit that this Petition is in grantable order and respectfully request that the enclosed application proceed to issue accordingly. If the

Petitions officer reviewing this application requires any additional information they are invited to contact the undersigned at the telephone number listed below.

Date: April 2, 2009

By:



Robert Haroun

Reg. No 34,345

Sofer & Haroun L.L.P.

317 Madison Ave, Suite 910

New York, New York 10017

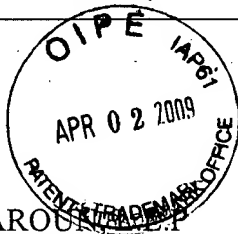
(212) 697-2800

Facsimile (212) 697-3004

Customer # 39600



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SOFER & HAROUN, LLP
317 MADISON AVENUE
SUITE 910
NEW YORK, NY 10017

COPY MAILED

JUN 26 2007

OFFICE OF PETITIONS

In re Application of Urano et al. :
Application No. 09/602,409 :
Filing Date: June 23, 2000 :
Attorney Docket No. 773-008 :

Decision on Petition

This is a decision on the petition filed August 21, 2003, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application. The Office regrets the delay in the issuance of the instant decision.

The petition is **dismissed**.

Facts:

The original address of record was:

Sofer & Haroun, LLP
Suite 1921
342 Madison Avenue
New York, NY 10173

A Notice of Allowance and Notice of Allowability were properly mailed to the original address or record on March 14, 2003.

A "Change of Address" was filed May 21, 2003. The paper stated,

Applicants wish to notify the Examiner that as of March 4, 2002 all communications directed to the Applicants should be mailed to:

SOFER & HAROUN, L.L.P
317 Madison Avenue
Suite 910
New York, NY 10017
Phone (212) 697-2800
Facsimile (212) 697-3004

The Office updated the address of record.

The issue fee was due on or before Monday, June 16, 2003. The Office did not receive the issue fee. As a result, the application became abandoned as of midnight on June 16, 2003.

The Office mailed a Notice of Abandonment to the new address of record on July 24, 2003.

Petitioner received the Notice of Abandonment.

The instant petition was filed August 21, 2003, and requests withdrawal of the holding of abandonment based on non-receipt of the Notice of Allowance.

Discussion:

Petitioner's failure to timely change the address of record precludes the Office from granting the relief requested.

The change of address filed May 21, 2003, indicated the new address had been in use since March 4, 2002. However, petitioner did not request the address of record be changed prior to the mailing of the Notice of Allowance on March 14, 2003.

Petitioner has not shown the Notice of Allowance would not have been received if petitioner had filed a request to change the address of record prior to the mailing of the Notice of Allowance. In other words, the failure to receive the Notice of Allowance appears to be the result of a failure to keep the Office informed of a current mailing address rather than error by the USPTO or USPS.

For the reasons above, the holding of abandonment will not be withdrawn.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (the issue fee and issue fee transmittal form), the required petition fee (\$1,500 for a large entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A copy of a blank petition form is enclosed for petitioner's convenience.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney
Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attachments: Form PTO/SB/64
Privacy Act Statement
Copy of papers originally mailed March 14, 2003